

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

GARRY JEAN-LOUIS and MURIELLE
JEAN-LOUIS,

Plaintiffs,

v.

APRIL COMBS and ANGELA
BOLEMON,

Defendants.

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Case No. 3:22-cv-51-CDL

NOTICE OF SUBSTITUTION OF PARTY DEFENDANT

Please take notice that, pursuant to the provisions of the Federal Employees Liability Reform and Tort Compensation Act of 1988 (codified at 28 U.S.C. § 2679 and commonly known as the Westfall Act), the United States is hereby substituted for Defendant April Combs with respect to the claims raised against her in Plaintiffs' complaint.

Plaintiffs have filed an action against Defendant April Combs, an employee of the Drug Enforcement Administration, a federal agency, contending that she is responsible for damages sustained in a motor vehicle accident. Under 28 U.S.C. § 2679, no action may be brought against a federal employee for negligence; rather, the remedy is exclusively against the United States. The law further provides that:

Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose ... [s]uch action or proceeding shall be deemed to be an action or proceeding brought against the United States ... and the United States shall be substituted as the party defendant.

28 U.S.C. § 2679(d)(2).

The Attorney General has delegated certification authority to the United States Attorneys. *See* 28 C.F.R. §§ 15.3, 15.4. In this action, the United States Attorney for the Middle District of Georgia has certified that Defendant April Combs was acting within the scope of her employment at the time of the conduct alleged. *See* Certification of Scope of Employment, filed contemporaneously herewith. Based on this Certification, the United States has, by operation of law, been substituted as Defendant with respect to all claims under the Federal Tort Claims Act against Defendant April Combs in the instant action.

This 4th day of May, 2022.

PETER D. LEARY
UNITED STATES ATTORNEY

By: /s/ Kevin D. Abernethy
Kevin D. Abernethy
Assistant United States Attorney
Georgia Bar No. 142310
UNITED STATES ATTORNEY'S OFFICE
P.O. Box 1702
Macon, GA 31202-1702
Telephone: (478) 621-2690
Email: Kevin.Abernethy@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed the within and foregoing **Notice of Substitution of Party Defendant** with the Clerk of Court using the CM/ECF system. I also certify that the following parties have been served on this date either by electronic means of the Court or via U. S. Mail with proper postage affixed thereto.

Eric L. Jensen, Esq.
Jensen Law, LLC
6111 Peachtree Dunwoody Road
Building G, Suite 201
Atlanta, Georgia 30328

Angela Bolemon
337 Annslee Circle
Loganville, GA 30052

This 4th day of May, 2022.

/s/ Kevin D. Abernethy

KEVIN D. ABERNETHY

Assistant United States Attorney